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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PLANNED PARENTHOOD FEDERATION  
OF AMERICA, INC., et al.,

Plaintiffs,

vs.

CENTER FOR MEDICAL PROGRESS, et al.,

Defendants.

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Case No. 3:16-cv-00236-WHO

**DECLARATION OF ARIELLE  
FELDSHON IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES AND NON-  
STATUTORY COSTS**

Date: November 18, 2020

Time: 2:00 p.m.

Place: Courtroom 2, 17th Floor

Judge: Hon. William H. Orrick

1 I, Arielle Feldshon, declare:

2 1. I am an attorney licensed to practice law in New York and an associate at the  
3 law firm of Arnold & Porter Kaye Scholer LLP (“A&P”), attorneys of record for Plaintiffs  
4 Planned Parenthood Federation of America, Inc.; Planned Parenthood: Shasta-Diablo, Inc. dba  
5 Planned Parenthood Northern California; Planned Parenthood Mar Monte, Inc.; Planned  
6 Parenthood of The Pacific Southwest; Planned Parenthood Los Angeles; Planned  
7 Parenthood/Orange and San Bernardino Counties, Inc.; Planned Parenthood of Santa Barbara,  
8 Ventura and San Luis Obispo Counties, Inc.; Planned Parenthood Pasadena and San Gabriel  
9 Valley, Inc.; Planned Parenthood of The Rocky Mountains; Planned Parenthood Gulf Coast;  
10 and Planned Parenthood Center For Choice (collectively, “Plaintiffs”). I make this  
11 Declaration upon personal knowledge, except as otherwise stated, and, if called upon to  
12 testify, could and would testify competently hereto.

13 2. I am a graduate of Columbia Law School, where I graduated with honors as a  
14 James Kent Scholar. James Kent Scholar honors are generally awarded to the top eight  
15 percent of each class. I am also a two-time recipient of Columbia Law School’s award for  
16 “outstanding achievement in public service.”

17 3. I am a commercial litigator and have handled a broad range of matters in state,  
18 federal, and immigration courts at the trial and appellate level. My matters have included  
19 claims involving fraud, breach of contract, defamation, and freedom of speech. I have  
20 experience at all stages of the trial process, from filing a complaint to discovery, motion  
21 practice, trial, and post-trial motions. I have prepared arguments and participated in federal  
22 court hearings multiple times.

23 4. My customary hourly rate at A&P was \$450 (2017), \$490 (2018), \$565  
24 (2019), and is \$675 (2020).

25 5. It is my practice to timely record my time and tasks on a matter in the  
26 firm’s electronic billing system. In preparing this declaration, I carefully reviewed each  
27 of my time entries in this matter as reflected in the firm’s billing system. The statements  
28

1 in this declaration regarding the number of hours I spent on various tasks related to this  
2 case are based on my contemporaneous time records.

3 6. I have been personally involved in representing Plaintiffs since December  
4 2017. I worked on multiple stages of the case in the trial court, as well as the appellate  
5 phases of the case. My work on the case included the following:

6 7. Written Discovery: I was brought into the case in December 2017 to assist  
7 with affirmative discovery and the review of Defendants' document productions, as well as  
8 to assist in the preparation of Plaintiffs' written discovery responses. I spent more than 116  
9 hours reviewing Defendants' document productions, including 41 hours reviewing videos  
10 and 75 hours reviewing documents. I also analyzed notes and summaries from  
11 approximately 26 other attorneys to prepare charts of relevant evidence and identify  
12 witnesses. I participated in drafting PPGC's First Set of Interrogatories to Defendant  
13 Daleiden and Planned Parenthood Orange & San Bernardino Counties, Inc.'s First Set of  
14 Interrogatories to all Defendants. I also participated in responding to Defendant Troy  
15 Newman's Third Set of Interrogatories and Second and Third Sets of Requests for  
16 Production to Plaintiffs, as well as Defendants Daleiden, CMP, and BioMax's Eleventh Set  
17 of Requests for Production to Plaintiffs, Defendant Daleiden's Third Set of Interrogatories to  
18 PPFA, and Defendant Daleiden's First Set of Interrogatories to Plaintiffs. I also provided  
19 research support on various topics on an ad hoc basis. In total, I worked approximately  
20 181.3 hours on document-related tasks in the discovery stage of this case.

21 8. Depositions: I researched Plaintiffs' fact witnesses and created research  
22 memoranda that included the witnesses' backgrounds, topics for potential discussion in their  
23 preparation sessions, and key documents for review. I prepared deposition outlines with  
24 supporting documentation for Defendants' fact witnesses Kate Bryan, Ryan Gonzalez, and  
25 Annamarie Bettisworth, and attended the depositions of Kate Bryan and Ryan Gonzalez. I  
26 also prepared portions of deposition outlines with supporting documentation for Defendant  
27 David Daleiden in both his personal capacity and as a 30(b)(6) witness, as well as expert  
28 witness Theresa Deisher, PhD. I managed the scheduling of over 50 depositions by

1 coordinating with opposing counsel, scheduling locations, identifying accommodations,  
2 scheduling court reporters and videographers, preparing and arranging for the service of  
3 subpoenas and witness fees, and sending deposition notices. This was particularly difficult  
4 because depositions were frequently cancelled and rescheduled, which required rescheduling  
5 all of the above. Additionally, the fact that the seven Defendants were represented by  
6 multiple firms and attorneys made coordinating schedules and troubleshooting details  
7 particularly burdensome. In total, I worked approximately 288.8 hours on deposition-related  
8 tasks in the discovery stage of this case. I exercised good billing judgment by delegating  
9 certain non-legal tasks, such as ordering refreshments and scheduling hotel rooms and  
10 flights, to administrative assistants. I also identified relevant documents, but relied on legal  
11 assistants to gather, organize, and prepare said documents into binders for my review. Thus,  
12 I worked a total of 470.1 hours in the discovery stage of this case.

13 9. Summary Judgment: I provided research support to Meghan Martin and Diana  
14 Sterk to assist them in their drafting of Plaintiffs' Summary Judgment brief filed on May 22,  
15 2019. I also coordinated with Meghan Martin and five legal assistants to prepare the  
16 evidentiary support for that motion and performed a final review prior to filing. I also  
17 reviewed Defendants' summary judgment filings to prepare analyses for Diana Sterk and  
18 Amy Bomse. In total, I worked approximately 51.2 hours during the summary judgment  
19 phase of this case.

20 10. Pre-Trial Work: I provided research support to Jeremy Kamras and Amy  
21 Bomse and prepared the initial drafts of various Motions in Limine. I also assisted Meghan  
22 Martin in preparing a final list of videos to be used at trial. In addition, I researched the legal  
23 requirements to call on parties to testify and coordinated the drafting of all trial subpoenas to  
24 the extent they were needed. I also reviewed the parties' proposed preliminary jury  
25 instructions and assisted Oscar Ramallo and Steven Mayer in compiling the parties'  
26 suggested instructions into an over-700-page master document for the Court. In total, I  
27 worked approximately 247.9 hours during the pre-trial phase of this case.  
28

1           11.   Trial: I provided trial support throughout the duration of trial. I attended trial  
2   from mid-October until mid-November 2019, including the daily 7:30 a.m. court hearings. I  
3   reviewed the transcripts for each day of trial and created tools to track relevant witness  
4   testimony to use in closing arguments. I also drafted witness preparation outlines and cross-  
5   examination outlines for multiple fact and expert witnesses and worked with the questioning  
6   attorneys and Meghan Martin to identify exhibits for use with those witnesses. I participated  
7   in the witness preparation session for Plaintiffs' witness Vicki Graziani and assisted Amy  
8   Bomse and Diana Sterk to prepare various fact and expert witnesses, including Bonnie  
9   Smith, Vicki Graziani, Michelle Davidson, and Danny Coulson. I spent significant time  
10   after court assisting Diana Sterk and Rhonda Trotter to draft the trial examination outline  
11   for David Daleiden, who was the key witness for Defendants, and whose testimony  
12   spanned four days. I participated in all team strategy sessions and provided ad hoc research  
13   assistance for issues that arose as a result of those strategy sessions. I worked with Rhonda  
14   Trotter and Jeremy Kamras to provide factual and evidentiary support for their closing  
15   arguments. I provided research support to assist Steven Mayer and Oscar Ramallo in  
16   drafting the final jury instructions and verdict form. I also worked on strategizing and  
17   drafting slides for the opening and closing arguments. In total, I worked approximately  
18   409.8 hours during the trial phase of this case.

19           12.   Post-trial: I assisted Amy Bomse and Meghan Martin to draft Plaintiffs'  
20   Proposed Findings of Fact and provided research support to Amy Bomse and Rhonda Trotter  
21   for the drafting of Plaintiffs' UCL briefing and opposition to Defendants' post-trial motions.  
22   In total, I worked approximately 109.5 hours during the post-trial phase of this case.

23           13.   Attorneys' Fees Motion: I researched and prepared a chart of the  
24   recoverability of attorneys' fees for each of Plaintiffs' claims. I also researched  
25   comparable motions for attorneys' fees in the Northern District of California and  
26   prepared templates for each attorney to utilize in drafting their respective declarations.  
27   Finally, I drafted this declaration for Plaintiffs' motion for attorneys' fees. In total, I  
28   worked approximately 69.4 hours during the attorneys' fees motion phase of this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 17th day of September, 2020, in Brooklyn, New York.

ARIELLE FELDSHON

**ECF ATTESTATION**

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: September 18, 2020

/s/ Steven L. Mayer  
Steven L. Mayer